

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Derek J Kovalcin
Debtor(s)

Bankruptcy Case No.: 19-22643-CMB
Related to Doc. No. 39
Chapter: 13
Docket No.: 50 – 39, 46
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated May 20, 2020 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to it's administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: Citizens Bank (Cl. #4) with payment changes implemented; Lakeview Loan Servicing (Cl. #8) with payment changes implemented; Norwin School District, North Huntingdon (Cl. #3) .
- ☒ H. Additional Terms: Fee application needed if any fee (including retainer) exceeds \$4,000 including any fees paid to prior counsel.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.


Carlota M. Böhm, Judge
United States Bankruptcy Court

Dated: October 27, 2020

cc: All Parties in Interest to be served by Clerk in seven (7) days

In re:
Derek J Kovalcin
Debtor(s)

Case No. 19-22643-CMB
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2
Date Rcvd: Oct 27, 2020

User: dric
Form ID: 149

Page 1 of 3
Total Noticed: 39

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.
++	Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.P.2002(g)(4).

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Oct 29, 2020:

Recip ID	Recipient Name and Address
db	+ Derek J Kovalcin, 511 Carmalott St, Irwin, PA 15642-2504
15095026	+ American Express, Post Office Box 297871, Fort Lauderdale, FL 33329-7871
15107394	American Express National Bank, c/o Becket and Lee LLP, PO Box 3001, Malvern PA 19355-0701
15080317	+ Bankamerica, 4909 Savarese Circle, Tampa, FL 33634-2413
15080318	Bb&t, Credit Card Disputes, Wilson, NC 27894
15095032	+ CITIBANK, 701 E 60TH ST N, Sioux Falls, SD 57104-0493
15095033	+ CITIBANK SOUTH DAKOTA N A, 701 E. 60th Street North, Sioux Falls, SD 57104-0493
15095037	+ Excelsa Health, 134 Industrial Park Road, Greensburg, PA 15601-7328
15080325	+ Kubota Credit Corporat, Po Box 2046, Grapevine, TX 76099-2046
15114689	+ Lakeview Loan Servicing, LLC, PO Box 840, Buffalo, NY 14240-0840
15080326	+ M & T Bank Mortgage, 1 Fountain Plz, Buffalo, NY 14203-1495
15080327	Mfgs & Traders Trust, Po Box 7678, Buffalo, NY 14240
15080328	+ Midland Funding, 320 East Big Beaver, Troy, MI 48083-1271
15103322	+ Norwin School District, c/o Maiello Brungo & Maiello, LLP, 100 Purity Road, Suite 3, Pittsburgh, PA 15235-4441
15080330	Sheffield Financial Co, Attn Credit Disputes Dept, Clemmons, NC 27012
15080333	+ Thd/cbna, Po Box 6497, Sioux Falls, SD 57117-6497
15095052	+ Weltman Weinberg & Reis, 436 7th Avenue, Suite 2500, Pittsburgh, PA 15219-1842

TOTAL: 17

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
cr	Email/Text: Bankruptcy.RI@Citizensbank.com	Oct 28 2020 02:23:00	Citizens Bank N.A., One Citizens Bank Way, JCA115, Johnston, RI 029119
cr	+ Email/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com	Oct 28 2020 01:16:01	PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
15095027	Email/PDF: EBN_AIS@AMERICANINFOSOURCE.COM	Oct 28 2020 02:19:07	American Info Source Lp, Post Office Box 248848, Oklahoma City, OK 73124-8848
15080321	Email/Text: Bankruptcy.RI@Citizensbank.com	Oct 28 2020 02:23:00	Citizens Bank, 1 Citizens Dr, Riverside, RI 02915
15104486	Email/Text: Bankruptcy.RI@Citizensbank.com	Oct 28 2020 02:23:00	Citizens Bank N.A., One Citizens Bank Way, Mailstop: JCA115, Johnston, RI 02919
15080319	+ Email/PDF: AIS.cocard.ebn@americaninfosource.com	Oct 28 2020 01:14:08	Cap1/bstby, Po Box 30253, Salt Lake City, UT 84130-0253
15085381	Email/PDF: AIS.cocard.ebn@americaninfosource.com	Oct 28 2020 01:12:25	Capital One Bank (USA), N.A., by American InfoSource as agent, PO Box 71083, Charlotte, NC 28272-1083
15080320	+ Email/PDF: AIS.cocard.ebn@americaninfosource.com	Oct 28 2020 01:14:08	Capital One Bank Usa N, Po Box 30281, Salt Lake City, UT 84130-0281
15080322	+ Email/Text: bankruptcy@clearviewfcu.org	Oct 28 2020 02:25:00	Clearview Federal Cu, 8805 University Blvd, Coraopolis, PA 15108-4212
15083931	Email/Text: mrdiscen@discover.com		

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		Oct 28 2020 02:24:00	Discover Bank, Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025
15080323	+ Email/Text: mrdiscen@discover.com		
		Oct 28 2020 02:24:00	Discover Fin Svcs Llc, Po Box 15316, Wilmington, DE 19850-5316
15095040	+ Email/Text: sbse.cio.bnc.mail@irs.gov		
		Oct 28 2020 02:24:00	Internal Revenue Service, 1000 Liberty Avenue, Room 727, Pittsburgh, PA 15222-4107
15080324	Email/PDF: ais.chase.ebn@americaninfosource.com		
		Oct 28 2020 01:12:22	Jpmcb Card, Po Box 15298, Wilmington, DE 19850
15109105	+ Email/Text: bankruptcydpt@mcmcg.com		
		Oct 28 2020 02:25:00	Midland Funding LLC, PO Box 2011, Warren, MI 48090-2011
15119844	Email/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com		
		Oct 28 2020 01:16:01	Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541
15120298	Email/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com		
		Oct 28 2020 01:16:01	Portfolio Recovery Associates, LLC, POB 41067, Norfolk VA 23541
15080329	+ Email/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com		
		Oct 28 2020 01:12:31	Portfolio Recov Assoc, 120 Corporate Blvd Ste 100, Norfolk, VA 23502-4952
15095048	+ Email/PDF: gecsedl@recoverycorp.com		
		Oct 28 2020 01:15:47	SYNCB, C/O P O BOX 965015, Orlando, FL 32896-0001
15080331	+ Email/PDF: gecsedl@recoverycorp.com		
		Oct 28 2020 01:12:17	Syncb/lowes, Po Box 956005, Orlando, FL 32896-0001
15080332	+ Email/PDF: gecsedl@recoverycorp.com		
		Oct 28 2020 01:15:47	Syncb/sams Club Dc, Po Box 965005, Orlando, FL 32896-5005
15118966	+ Email/PDF: gecsedl@recoverycorp.com		
		Oct 28 2020 01:14:00	Synchrony Bank, c/o PRA Receivables Management, LLC, PO Box 41021, Norfolk VA 23541-1021
15080622	+ Email/PDF: gecsedl@recoverycorp.com		
		Oct 28 2020 01:14:00	Synchrony Bank, c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021

TOTAL: 22

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
cr		Lakeview Loan Servicing, LLC
cr	*+	Norwin School District, c/o Maiello Brungo & Maiello, LLP, 100 Purity Road, Suite 3, Pittsburgh, PA 15235-4441
15095028	*+	Bankamerica, 4909 Savarese Circle, Tampa, FL 33634-2413
15095029	*	Bb&t, Credit Card Disputes, Wilson, NC 27894
15095034	*P++	CITIZENS BANK N A, ATTN BANKRUPTCY TEAM, ONE CITIZENS BANK WAY, JCA115, JOHNSTON RI 02919-1922, address filed with court., Citizens Bank, 1 Citizens Dr, Riverside, RI 02915
15095030	*+	Cap1/bstby, Po Box 30253, Salt Lake City, UT 84130-0253
15095031	*+	Capital One Bank Usa N, Po Box 30281, Salt Lake City, UT 84130-0281
15095035	*+	Clearview Federal Cu, 8805 University Blvd, Coraopolis, PA 15108-4212
15095036	*+	Discover Fin Svcs Llc, Po Box 15316, Wilmington, DE 19850-5316
15095039	*	Internal Revenue Service, Insolvency Unit, POB 628, Pittsburgh, PA 15230
15095038	*+	Internal Revenue Service, Insolvency Unit, POB 7346, Philadelphia, PA 19101-7346
15095041	*P++	JPMORGAN CHASE BANK N A, BANKRUPTCY MAIL INTAKE TEAM, 700 KANSAS LANE FLOOR 01, MONROE LA 71203-4774, address filed with court., Jpmcb Card, Po Box 15298, Wilmington, DE 19850
15095042	*+	Kubota Credit Corporat, Po Box 2046, Grapevine, TX 76099-2046
15095043	*+	M & T Bank Mortgage, 1 Fountain Plz, Buffalo, NY 14203-1495
15095044	*	Mfgrs & Traders Trust, Po Box 7678, Buffalo, NY 14240
15095045	*+	Midland Funding, 320 East Big Beaver, Troy, MI 48083-1271
15095046	*+	Portfolio Recov Assoc, 120 Corporate Blvd Ste 100, Norfolk, VA 23502-4952
15095047	*	Sheffield Financial Co, Attn Credit Disputes Dept, Clemmons, NC 27012
15095049	*+	Syncb/lowes, Po Box 956005, Orlando, FL 32896-0001
15095050	*+	Syncb/sams Club Dc, Po Box 965005, Orlando, FL 32896-5005

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15095051

*+

Thd/cbna, Po Box 6497, Sioux Falls, SD 57117-6497

TOTAL: 1 Undeliverable, 20 Duplicate, 0 Out of date forwarding address

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Oct 29, 2020

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on October 27, 2020 at the address(es) listed below:

Name	Email Address
Brian Nicholas	on behalf of Creditor Lakeview Loan Servicing LLC bnicholas@kmlawgroup.com
Jennifer L. Cerce	on behalf of Creditor Norwin School District jlc@mbm-law.net
Lawrence W. Willis	on behalf of Debtor Derek J Kovalcin ecf@westernpabankruptcy.com urfreshstr@gmail.com;willislr88866@notify.bestcase.com
Office of the United States Trustee	ustpreion03.pi.ecf@usdoj.gov
Ronda J. Winnecour	cmecf@chapter13trusteedpa.com

TOTAL: 5